A

Mahadi bin Ibrahim v Public Prosecutor

B COURT OF APPEAL (PUTRAJAYA) — CRIMINAL APPEAL NO W-05(SH)-530–10 OF 2018
KAMARDIN HASHIM, ZABARIAH MOHD YUSOF AND LAU BEE LAN JJCA
22 JULY 2019

C

Criminal Law — Appeal — Appeal against sentence — Appeal by appellant — Appellant pleaded guilty on two charges under ss 130FA(a) and 130FB(1)(a) of the Penal Code — Appellant sentenced to 14 years imprisonment for first charge and five years imprisonment for second charge — Whether learned trial judge right in imposing sentence to run concurrently — Whether sentence harsh and manifestly excessive — Penal Code ss 130FA(a) & 130FB(1)(a)

D

The appellant pleaded guilty in the High Court on two charges, the first, being for receiving training and instruction from terrorist group and a person ready in committing terrorist acts in the making or use of any explosive or other lethal device, contrary to s 130FA(a) of the Penal Code ('the PC'). The second, being for attending at a place used for terrorist training with the knowledge or having reason to believe that training or instruction was being provided there wholly or partly for the purposes connected with the commission or preparation of a terrorist act, an offence under s 130FB(1)(a) of the PC. On the first charge, the appellant was sentenced to 14 years imprisonment, and on the second charge, another five years of imprisonment was imposed. The sentences were ordered by the learned High Court judge to run concurrently from the date of his arrest. Aggrieved with the sentences imposed by the learned trial judge, the appellant appealed to this court on the ground that the sentences were too severe.

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Held, dismissing the appeal and affirming the sentence of the High Court:

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(1) The two offences were the result of a series of acts as to form the same transaction. Therefore, the learned trial judge did not err when he ordered the sentences to run concurrently. Terrorism offences were manifestly despicable which undermined the social, public order and security of the nation in some instances. Therefore, a more severe sentence was warranted in terrorism-related cases to emphasise on the elements of denunciation. Having regard to all the facts of the case, the 14 years was not manifestly excessive but entirely appropriate. The court found no merit in the appellant's appeal against sentence (see paras 13, 15 & 17–18).

I

[Bahasa Malaysia summary

Perayu mengaku bersalah di Mahkamah Tinggi atas dua pertuduhan, yang pertama, menerima latihan dan arahan daripada kumpulan pengganas dan seseorang yang bersedia melakukan perbuatan pengganas dalam membuat atau menggunakan mana-mana peranti letupan atau lain-lain yang mematikan, bertentangan dengan s 130FA(a) Kanun Keseksaan ('KK'). Yang kedua adalah kerana menghadiri suatu tempat yang digunakan untuk latihan pengganas dengan pengetahuan atau mempunyai sebab untuk mempercayai bahawa latihan atau arahan disediakan secara keseluruhan atau sebahagiannya untuk maksud yang berhubungan dengan perbuatan atau penyediaan suatu tindakan pengganas, suatu kesalahan di bawah s 130FB(1)(a) KK. Atas pertuduhan pertama, perayu dihukum 14 tahun penjara, dan atas tuduhan kedua, lima tahun penjara lagi dikenakan. Hukuman itu telah diperintahkan oleh hakim Mahkamah Tinggi yang bijaksana untuk dijalankan serentak dari tarikh penangkapannya. Terkilan dengan hukuman yang dikenakan oleh hakim bicara yang bijaksana, perayu merayu kepada mahkamah ini atas alasan hukuman itu terlalu berat.

Diputuskan, menolak rayuan dan mengesahkan hukuman Mahkamah Tinggi:

(1) Kedua-dua kesalahan itu adalah hasil daripada beberapa tindakan untuk membentuk transaksi yang sama. Oleh itu, hakim bicara yang bijaksana tidak terkhilaf apabila beliau memerintahkan hukuman untuk berjalan serentak. Kesalahan-kesalahan berkaitan dengan keganasan adalah keji yang menjejaskan ketenteraman sosial, awam dan keselamatan negara dalam sesetengah keadaan. Oleh itu, hukuman yang lebih berat adalah diperlukan dalam kes-kes yang berkaitan dengan keganasan untuk menekankan unsur-unsur kecaman. Berdasarkan semua fakta kes itu, 14 tahun adalah tidak berlebihan tetapi sangat sesuai. Mahkamah mendapati tiada merit dalam rayuan perayu terhadap hukuman (lihat perenggan 13, 15 & 17–18).]

Cases referred to

Ahmad Azmi bin Ahmad Rosli lwn Pendakwa Raya [2019] MLJU 291; [2019] 1 LNS 358, CA (refd)
Bhandulananda Jayatilake v PP [1982] 1 MLJ 83, FC (folld)
Pendakwa Raya v Abdul Halim bin Ishak & Anor [2013] MLJU 821; [2013] 9 CLJ 559, CA (refd)
PP v Loo Choon Fatt [1976] 2 MLJ 256 (refd)
PP v Yazid bin Sufaat & Ors [2015] 1 MLJ 571; [2014] 2 CLJ 670, CA (refd)
R v Blake [1961] 3 All ER 125; [1962] 2 QB 377, CA (refd)

Legislation referred to

Penal Code ss 130FA, 130FA(a), 130FB(1), (1)(a), 130JB(1)(a)

Appeal from: Criminal Trial No WA-45S0–8–03 of 2018 (High Court, Kuala Lumpur)

Appellant present in person.
Zaki Asyraf Zubir (Deputy Public Prosecutor, Attorney General's Chambers) for the respondent.

Kamardin Hashim JCA (delivering judgment of the court):

[1] The appellant pleaded guilty in the High Court on two charges, the first, being for receiving training and instruction from terrorist group and a person ready in committing terrorist acts in the making or use of any explosive or other lethal device, contrary to s 130FA(a) of the Penal Code. The second, being for attending at a place used for terrorist training with the knowledge or having reason to believe that training or instruction is being provided there wholly or partly for the purposes connected with the commission or preparation of a terrorist act, an offence under s 130FB(1)(a) of the same Code.

[2] The two charges were in the following terms:

First Charge:

> Bahawa kamu pada 23 September 2017 antara jam 9.07 malam hingga jam 10.28 malam, dalam Jajahan Kota Bharu, dalam Negeri Kelantan Darul Naim, telah menerima latihan melalui kumpulan perbualan 'WhatsApp' 'The Rise Of Jundullah' dalam membuat bahan letupan daripada Muhamad Hafizi bin Mat Jusoh (Nombor kad pengenalan: 980523-03-5373), seorang yang bersedia untuk melibatkan diri dalam perbuatan pengganas dan merupakan satu kesalahan di bawah subseksyen 130FA(a) Kanun Keseksaan [Akta 574] yang boleh dihukum di bawah seksyen 130FA Kanun yang sama.

Second Charge:

> Bahawa kamu pada 10 Oktober 2017 antara jam 3.30 petang hingga jam 4.00 petang di sebuah kawasan tanah lapang yang terletak berhampiran dengan bangunan tapak semaian benih padi, Gong Kulim, dalam Jajahan Pasir Puteh, dalam Negeri Kelantan Darul Naim, telah hadir di tempat tersebut dengan mengetahui bahawa latihan yang sedang diberikan di tempat tersebut secara sebahagiannya bagi maksud yang berkaitan dengan persediaan suatu perbuatan pengganas dan merupakan satu kesalahan di bawah perenggan 130FB(1)(a) Kanun Keseksaan [Akta 574] yang boleh dihukum di bawah subseksyen 130FB(1) Kanun yang sama.

[3] On the first charge, the appellant was sentenced to 14 years imprisonment, and on the second charge, another five years of imprisonment was imposed. The sentences were ordered by the learned High Court judge to run concurrently from the date of his arrest on 10 October 2017.

[4] Aggrieved with the sentences imposed by the learned trial judge, the appellant now appeals to this court on the ground that the sentences were too severe. We heard the appeal on 8 July 2019, where in at its conclusion, we unanimously dismissed it. We now give the reasons of our dismissal.

[5] The facts relating to the two offences as presented by the prosecution (P5) were narrated as follows:

FAKTA KES

1. Tertuduh telah dituduh dengan dua (2) pertuduhan seperti berikut:

   1.1 Subseksyen 130FA(a) Kanun Keseksaan [Akta 574] yang boleh dihukum di bawah seksyen 130FA Kanun yang sama;

   1.2 Perenggan 130FB(1)(a) Kanun Keseksaan yang boleh dihukum di bawah subseksyen 130FB(1) Kanun Keseksaan.

2. Keterangan menunjukkan bahawa Mahadi bin Ibrahim (tertuduh) telah ditahan oleh sepasukan pegawai dan anggota polis dari Bahagian Counter Terrorism (E8), Cawangan Khas, Polis Diraja Malaysia (PDRM), Bukit Aman yang diketuai oleh Inspektor Mohd Khairudin bin Mohamad Lasim pada 10 Oktober 2017, jam lebih kurang 4.30 petang, di Restoran K&K, Lot 2689, Jalan Tok Janggut, Kampung Kelubi, Pasir Puteh, Kelantan.

3. Semasa tertuduh ditahan, Inspektor Khairudin bin Mohamad Lasim telah merampas sebuah telefon bimbit jenama Vivo model Vivo Y15, (Nombor IMEI: 86714723834477) yang dipercayai mempunyai kaitan dengan kesalahan keselamatan yang menggunakan nombor telefon 017-9634726 dalam milikan tertuduh.

4. Telefon bimbit tersebut kemudiannya telah diserahkan oleh Inspektor Khairudin bin Mohamad Lasim kepada pegawai penyiasat kes, Inspektor Mohd Firdaus bin Sudeerman pada tarikh yang sama. Pada 19 Oktober 2017, telefon bimbit tersebut telah diserahkan kepada Inspektor Nur Zahirah binti Mustapha, Pegawai Forensik, PDRM, Cheras untuk dianalisis.

5. Namun demikian, hasil analisis terhadap telefon bimbit tersebut tidak berjaya mengeluarkan kandungan WhatsApp yang dipercayai mempunyai kaitan dengan kesalahan keselamatan. Walau bagaimanapun, kandungan WhatsApp tersebut dapat dijumpai dalam telefon bimbit seorang lagi tertuduh, Muhamad Hafizi bin Mat Jusoh. Berdasarkan kandungan WhatsApp tersebut, pada 23 September 2017, tertuduh telah menyertai kumpulan perbualan 'The Rise Of Jundullah' dalam aplikasi

media sosial WhatsApp dengan menggunakan talian telefon 017-9634726 atas nama Mahadi Daulah No Anak.

6. Hasil semakan dengan pihak telekomunikasi Maxis Broadband Sdn Bhd mengesahkan bahawa nombor telefon 017-9634726 didaftarkan atas nama tertuduh.

7. Dalam kumpulan perbualan 'The Rise Of Jundullah' tersebut, terdapat seramai lapan (8) orang ahli. Tertuduh telah menggunakan gambar profil anak perempuannya.

8. Berdasarkan penelitian terhadap kumpulan perbualan WhatsApp tersebut, saksi terlindung yang juga merupakan ahli kumpulan perbualan WhatsApp tersebut mengesahkan bahawa tertuduh telah menerima latihan dalam membuat bahan letupan daripada Al Akh Muhammad yang menggunakan nombor telefon 019-3622151. Hasil semakan dengan pihak telekomunikasi Celcom mengesahkan bahawa nombor telefon 019-3622151 didaftarkan atas nama Muhamad Hafizi bin Mat Jusoh (Nombor kad pengenalan: 980523-03-5373).

9. Saksi terlindung juga mengesahkan bahawa Al Akh Muhammad telah menyatakan kepada ahli kumpulan perbualan WhatsApp tersebut pada 23 September 2017 antara jam 9.07 malam hingga 10.28 malam seperti yang berikut:

Al Akh Muhammad:

1. Akhi perlu sediakan serbuk potasium nitrat

2. Bakin soda

3. Sumbu mercun panjang

4. Tin semburan warna terpakai

5. Guli @ paku

Adunkan potasium nitrat lebih kurang 3 @ 4 kg ...
Tambah sebotol kecil soda ... kemudian gaul sehingga sebati ...
Kemudian sediakan tin penmburan warna sudah tidak digunakan ...
Masukkan guli lapisan bawah dan bahagian tengh msukkan adunan potasium nitrat dan lapisan atas letakkan paku saiz kecil ... Jngn terlalu padat. Kemudian ambil sumbu mercun masukkan hingga mencapai lapisan tngh dan tutup dngn salotap tebal ...
Kemudian bisa digunakan akhi Al Akh Muhammad:
Selepas tu bomb mnyk petrol

1. Sediakan botol kaca

2. Sediakan kain lama (sumbu)

3. Sediakan mnyk petrol Masukkan petrol kedalam botol

Kemudian tinggalkan selama 3 hari dengan keadaan terbuka hatta hilang gasnya ...
Selepas 3 hari ... Ambil kain sumbat kdlm botol tdi dn basahkan sedikit mnyk tadi ... Kmudian salotap sedikit dn bisa digunakan.

10. Keterangan menunjukkan bahawa tertuduh telah memberikan maklum balas sama ada bom tersebut adalah daripada jenis bom baling dan menyatakan seperti yang berikut:

'Guli tu bisa d tukar guna bering motor (butir2 besi)' 'X cuba guna tangkapan pnanda, mat pd target n guna pintasan mote bhan pd n d mat target ... n ia aktif pd bhan yg d target shj ... na'am ini idea ana shj khi' dan 'Alar pngesan haba bhan lutupan d ksan lingkungan 5, 6 saat shj pd jarak ia on @ d lps kn' dalam kumpulan perbualan 'The Rise of Jundullah'.

11. Selain itu, dalam kes ini juga, keterangan seorang lagi saksi terlindung mengesahkan bahawa pada 10 Oktober 2017 antara jam 3.30 petang hingga 4.00 petang, tertuduh telah hadir di sebuah kawasan tanah lapang yang terletak berhampiran dengan bangunan tapak semaian benih padi, Gong Kulim, Pasir Puteh, Kelantan. Menurut saksi terlindung tersebut, semasa perjumpaan diadakan, Muhammad Hafizi bin Mat Jusoh telah menunjukkan demonstrasi cara untuk menggunakan bahan letupan kepada ahli yang hadir iaitu dia, tertuduh dan Ahmad Azmi bin Ahmad Rosli. Menurutnya lagi, Mahadi ada menyebut 'memang power lah, ranap satu bar' yang merujuk kepada perancangan untuk meletupkan Octoberfest.

12. Pada 11 Oktober 2017, jam lebih kurang 12.30 tengah hari, tertuduh, Muhamad Hafizi bin Mat Jusoh dan Ahmad Azmi bin Ahmad Rosli telah memandu arah sepasukan pegawai dan anggota polis serta pegawai Forensik PDRM ke sebuah tempat di mana ketiga-tiga tertuduh pernah hadir untuk menguji bahan letupan yang disyaki *improvised explosive device* (IED). Pihak forensik PDRM telah menemui tiga puluh lapan (38) serpihan komponen disyaki IED yang ditemui di atas tanah di kawasan tanah lapang berhampiran dengan bangunan tapak semaian benih padi, Gong Kulim, Pasir Puteh, Kelantan.

13. Berdasarkan keterangan yang ada, adalah jelas bahawa tertuduh telah melakukan kesalahan di bawah subseksyen 130FA(a) Kanun Keseksaan yang boleh dihukum di bawah seksyen 130FA Kanun yang sama kerana dengan pengetahuan telah menerima latihan dalam membuat bahan letupan daripada Muhamad Hafizi bin Mat Jusoh (Nombor kad pengenalan: 980523-03-5373) melalui aplikasi media sosial kumpulan 'WhatsApp' 'The Rise of Jundullah' yang menggunakan nombor telefon 017-9634726 milik tertuduh.

14. Selain itu, tertuduh juga telah melakukan kesalahan di bawah perenggan 130FB(1)(a) Kanun Keseksaan yang boleh dihukum di bawah subseksyen 130FB Kanun yang sama kerana telah hadir di sebuah kawasan tanah lapang yang terletak berhampiran dengan bangunan tapak semaian benih padi, Gong Kulim, Pasir Puteh, Kelantan dengan mengetahui bahawa latihan yang sedang diberikan di tempat tersebut secara sebahagiannya bagi maksud yang berkaitan dengan persediaan suatu perbuatan pengganas.

[6] In determining sentence, the learned trial judge had regard to all the facts of the case as presented above, the seriousness of the offences committed by the appellant, the public interest factor and the mitigating factors put up by the appellant. The gravity of the offences as evidenced from the sentences provided by the law that the first offence carry with it a maximum imprisonment of 30 years and the second, with a maximum imprisonment of ten years. Both offences shall also be liable to fine. Sections 130FA and 130FB(1) of the Code thus provide:

> 130FA Receiving training and instruction from terrorist groups and persons committing terrorist acts
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> Whoever receives training or instruction, or agrees or arranges to receive training or instruction —
>
> (a) in the making or use of any explosive or other lethal device;
>
> (b) in carrying out a terrorist act; or
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> (c) in the practice of military exercises or movements,
>
> from a member of terrorist group or a person engaging in, or preparing to engage in, the commission of a terrorist act shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.
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> 130FB Attendance at place used for terrorist training
>
> (1) Whoever attends at any place, within or outside Malaysia —
>
> (a) knowing or having reason to believe that instruction or training is being provided there wholly or partly for the purposes connected with the commission or preparation of a terrorist act; or
>
> (b) where he could not reasonably have failed to understand that instruction or training was being provided there wholly or partly for such purposes,
>
> shall be punished with imprisonment for a term which may extend to ten years, or with fine.

[7] Similar mitigating factors raised by the appellant in the court below were repeated before us. All the factors raised such as personal and family hardship, being a first offender and had shown remorse by pleading guilty to the charge had been considered by the learned trial judge. In his plea of mitigation, the appellant further submitted that he is a 36 year old divorcee with four children aged between five to nine years old, has an old-aged and sickly parents who are now taking care of his children and was gainfully employed as a general worker prior to his arrest, had also been considered by the learned trial judge.

[8] The learned trial judge in his grounds took into consideration that offences involving terrorist and security offences are alarming prevalent nowadays. The learned trial judge also took into account the gravity and

seriousness of the offence and for those who indulge such offences must be ready to face the consequences of a severe sentence. Otherwise the court would be failing in its duty in protecting the public interest if lenient sentences are imposed on offenders who commit similar offences.

[9] We agree with the views of the learned trial judge. The public must be protected and it lenient sentences is not likely to achieve the aim of protecting public interests. As Hilbery J in *R v Blake* [1961] 3 All ER 125; [1962] 2 QB 377 said:

> It is of the highest importance perhaps particularly at the present time, that such conduct should not only stand condemned, should not only be held in utter abhorrence by all ordinary men and women but should receive, when brought to justice, the severest possible punishment. This sentence had a threefold purpose. It was intended to be punitive, it was designed and calculated to deter others, and it was meant to be a safeguard to this country.

[10] The learned deputy public prosecutor ('learned deputy') urged this court to take a serious view of the offences committed by the appellant with regards to terrorism-related offences which warrants heavy punishment. It was submitted that the evidence from police intelligence revealed that the group had planned to use the bomb during the 'Octoberfest' festival. We can take cognisance that terrorism-related offences are on the rise and present a very serious threat to the security of the nation if left unchecked. A long prison sentence would conveyed a strong message of deterrence and abhorrence of society towards such crime.

[11] The learned trial judge imposed a sentence of 14 years and five years imprisonment to run concurrently. The question now, is the sentence harsh and manifestly excessive? We find guidance from Raja Azlan Shah Ag LP in *Bhandulananda Jayatilake v Public Prosecutor* [1982] 1 MLJ 83 where (as His Royal Highness then was) said at p 84:

> Is the sentence harsh and manifestly excessive? We would paraphrase it in this way. As this is an appeal against the exercise by the learned judge of a discretion vested in him, is the sentence so far outside the normal discretionary limits as to enable this court to say that its imposition must have involved an error of law of some description? I have had occasion to say elsewhere, that the very concept of judicial discretion involves a right to choose between more than one possible course of action upon which there is room for reasonable people to hold differing opinions as to which is to be preferred. That is quite inevitable. Human nature being what it is, different judges applying the same principles at the same time in the same country to similar facts may sometimes reach different conclusions (see *Jamieson v Jamieson*). It is for that reason that some very conscientious judges have thought it their duty to visit particular crimes with exemplary sentences; whilst others equally conscientious have thought it their duty to view the same crimes with leniency. Therefore sentences do vary in apparently similar circumstances with the habit of

mind of the particular judge. It is for that reason also that this court has said it again and again that it will not normally interfere with sentences, and the possibility or even the probability, that another court would have imposed a different sentence is not sufficient, per se, to warrant this court's interference.

For a discretionary judgment of this kind to be reversed by this court, it must be shown to our satisfaction that the learned judge was embarking on some unauthorised or extraneous or irrelevant exercise of discretion. We are far from convinced that any criticism of the learned judge is warranted. He took the course he did, in outweighing the plea of mitigation in favour of the public interest with a desire to uphold the dignity and authority of the law as administered in this country. We agree. That must receive the greatest weight. It is a serious offence to give false testimony, for it is in the public interest that the search for truth should, in general and always, be unfettered. The courts are the guardians of the public interest (see the *Exclusive Brethren* case).

[12] Hashim Yeop A Sani J (as he then was) in another often cited case of *Public Prosecutor v Loo Choon Fatt* [1976] 2 MLJ 256 at p 257 said:

> In respect of sentencing there can be only general guidelines. No two cases can have exactly the same facts to the minutest detail. Facts do differ from case to case and ultimately each case has to be decided on its own merits. In practice sentences do differ not only from case to case but also from court to court. All things being equal these variations are inevitable if only because of the human element involved. But, of course, there must be limits to permissible variations.
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> The principles to be applied in imposing sentence however are the same in every case. The High Court sitting in exercise of its revisionary powers will not normally alter the sentence unless it is satisfied that the sentence of the lower court is either manifestly inadequate or grossly excessive or illegal or otherwise not a proper sentence having regard to all the facts disclosed on the record or to all the facts which the court ought to take judicial notice of, that is to say, that the lower court clearly has erred in applying the correct principles in the assessment of the sentence. It is a firmly established practice that the court will not alter a sentence merely because it might have passed a different sentence.
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> ...
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> One of the main considerations in the assessment of sentence is of course the question of public interest. On this point I need only quote a passage from the judgment of Hilbery J in *Rex v Kenneth John Ball* as follows:
>
> > In deciding the appropriate sentence a court should always be guided by certain considerations. The first and foremost is the public interest. The criminal law is publicly enforced, not only with the object of punishing crime, but also in the hope of preventing it. A proper sentence, passed in public, serves the public interest in two ways. It may deter others who might be tempted to try crime as seeming to offer easy money on the supposition, that if the offender is caught and brought to justice, the punishment will be negligible. Such a sentence may also deter the particular criminal from committing a crime again, or induce him to turn from a criminal to an honest life. The public interest is indeed served, and

> best served, if the offender is induced to turn from criminal ways to honest living. Our law does not, therefore, fix the sentence for a particular crime, but fixes a maximum sentence and leaves it to the court to decide what is, within that maximum, the appropriate sentence for each criminal in the particular circumstances of each case. Not only in regard to each crime, but in regard to each criminal, the court has the right and the duty to decide whether to be lenient or severe.

[13] Coming back to the instant appeal before us, we had considered whether the learned trial judge was right in imposing the sentence to run consecutively or concurrently even though the same issue was never raised before us. Undoubtedly, the two offences were the result of a series of acts as to form the same transaction. Therefore, the learned trial judge did not err when he ordered the sentences to run concurrently.

[14] On the seriousness of the offences committed by the appellant, this court in *Public Prosecutor v Yazid bin Sufaat & Ors* [2015] 1 MLJ 571; [2014] 2 CLJ 670 opined:

> [23] An act of terrorism is a transnational phenomenon. It has no territorial limits. It transcends national borders. For instance, an act of terrorism may be planned or hatched within Malaysia with an intention to execute it outside Malaysia. The intention of SOSMA is, among others, to prevent Malaysia from being used as a terrorist haven. S Rajendra Babu and GP Marthur JJ in *People's Union for Civil Liberties & Anor v Union of India* AIR [2004] SC 456 aptly describe acts of terrorism as follows:
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> > The terrorist threat that we are facing is now on an unprecedented global scale. Terrorism has become a global threat with global effects. It has become a challenge to the whole community of civilized nations. Terrorist activities in one country take on a transnational character, carrying out attacks across one border, receiving funding from private parties or a government across another, and procuring arms from multiple sources. Terrorism in a single country can readily become a threat to regional peace and security owing to its spill over effects. It is therefore difficult in the present context to draw a sharp distinction between domestic and international terrorism. Many happenings in the recent past caused the international community to focus on the issue of terrorism with renewed intensity.

[15] We also considered the trend of sentencing of the offences of terrorism-related cases of similar nature. We agreed with the learned deputy that terrorism offences are manifestly despicable which undermine the social, public order and security of the nation in some instances. Therefore a more severe sentence is warranted in terrorism-related cases to emphasise on the elements of denunciation (see *Pendakwa Raya v Abdul Halim bin Ishak & Anor* [2013] MLJU 821; [2013] 9 CLJ 559 (CA)).

[16] We are unable to find cases of similar nature except one which was recently before us in the related case involving a co-accused. In the case of *Ahmad Azmi bin Ahmad Rosli lwn Pendakwa Raya* [2019] MLJU 291; [2019] 1 LNS 358, the appellant was sentenced by the trial judge to 14 years imprisonment for an offence committed under s 130FA, a term of five years imprisonment for an offence under s 130FB(1) and a further three years imprisonment for another offence under s 130JB(1)(a) of the Penal Code. The first two were similar offences to the one committed by the appellant. On appeal, this court affirmed the sentences imposed by the learned trial judge.

[17] Finally, we also considered the totality of the two custodial sentences imposed by the learned trial judge which was only 14 years, run concurrently from the date of arrest. Having regard to all the facts of the case, the 14 years was not manifestly excessive but in our view, entirely appropriate.

[18] For all the reasons above stated, we find no merit in the appellant's appeal against sentence. The appeal is dismissed. The sentence of the High Court was affirmed.

Appeal dismissed and sentence of High Court affirmed.

Reported by Nabilah Syahida Abdullah Salleh